

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|---|---|--------------------------|
| Christopher David Grall, |) | |
| |) | C/A No. 0:16-2972-MBS |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER AND OPINION |
| Nancy A. Berryhill, Acting Commissioner |) | |
| of Social Security, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

Plaintiff Christopher David Grall filed the within action on August 30, 2016, seeking judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's claims for social security disability insurance benefits and supplemental security income benefits.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On September 22, 2017, the Magistrate Judge issued a Report and Recommendation in which she noted that Plaintiff had supplemented the record with new documentation at the Appeals Council level. The Appeals Council admitted the evidence into the record and summarily stated that it found the information did not provide a basis for changing the decision of the administrative law judge who had rejected Plaintiff's claims. The Magistrate Judge, in reviewing the entire record, could not determine whether substantial evidence supported the denial of benefits because the Appeals Council did not provide any explanation for its finding. Accordingly, the Magistrate Judge recommended the case be remanded to the Commissioner for further consideration. On October 6, 2017, the Commissioner filed a Notice of Not Filing Objections to the Report and Recommendation of the Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The case is **reversed** pursuant to sentence four of 42 U.S.C. § 405(g) and **remanded** to the Commissioner for further consideration as set forth herein and in the Report and Recommendation.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

October 16, 2017